



House of Representatives

General Assembly

File No. 316

February Session, 2012

House Bill No. 5463

House of Representatives, April 10, 2012

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING REQUESTS FOR RECORDS UNDER THE
FREEDOM OF INFORMATION ACT AND APPOINTMENTS TO THE
FREEDOM OF INFORMATION COMMISSION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 1-205 of the 2012 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2012*):

4 (a) There shall be established, within the Office of Governmental
5 Accountability established under section 1-300, a Freedom of
6 Information Commission consisting of nine members. (1) Five of such
7 members shall be appointed by the Governor, with the advice and
8 consent of either house of the General Assembly. Such members shall
9 serve for terms of four years from July first of the year of their
10 appointment, except that of the members appointed prior to and
11 serving on July 1, 1977, one shall serve for a period of six years from
12 July 1, 1975, one shall serve for a period of four years from July 1, 1975,

13 and one shall serve for a period of six years from July 1, 1977. Of the
14 two new members first appointed by the Governor after July 1, 1977,
15 one shall serve from the date of such appointment until June 30, 1980,
16 and one shall serve from the date of such appointment until June 30,
17 1982. (2) On and after July 1, 2011, four members of the commission
18 shall be appointed as follows: One by the president pro tempore of the
19 Senate, one by the minority leader of the Senate, one by the speaker of
20 the House of Representatives and one by the minority leader of the
21 House of Representatives. Such members shall serve for terms of [two]
22 four years from July first of the year of their appointment. (3) No more
23 than five members of the commission shall be members of the same
24 political party. Any vacancy in the membership of the commission
25 shall be filled by the appointing authority for the unexpired portion of
26 the term.

27 Sec. 2. Subsection (a) of section 1-212 of the 2012 supplement to the
28 general statutes is repealed and the following is substituted in lieu
29 thereof (*Effective October 1, 2012*):

30 (a) Any person applying in writing or by oral request under this
31 chapter shall receive, promptly upon such written or oral request, a
32 plain, facsimile, electronic or certified copy of any public record. The
33 public agency may require that such request be made in writing. The
34 type of copy provided shall be within the discretion of the public
35 agency, except (1) the agency shall provide a certified copy whenever
36 requested, and (2) if the applicant does not have access to a computer
37 or facsimile machine, the public agency shall not send the applicant an
38 electronic or facsimile copy. The fee for any copy provided in
39 accordance with the Freedom of Information Act:

40 (A) By an executive, administrative or legislative office of the state, a
41 state agency or a department, institution, bureau, board, commission,
42 authority or official of the state, including a committee of, or created
43 by, such an office, agency, department, institution, bureau, board,
44 commission, authority or official, and also including any judicial office,
45 official or body or committee thereof but only in respect to its or their

46 administrative functions, shall not exceed twenty-five cents per page;
47 and

48 (B) By all other public agencies, as defined in section 1-200, shall not
49 exceed fifty cents per page. If any copy provided in accordance with
50 said Freedom of Information Act requires a transcription, or if any
51 person applies for a transcription of a public record, the fee for such
52 transcription shall not exceed the cost thereof to the public agency.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	1-205(a)
Sec. 2	<i>October 1, 2012</i>	1-212(a)

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which allows Freedom of Information requests to be made orally, but also allows agencies to require that they be in writing, has no fiscal impact as it is not expected to result in additional requests.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5463*****AN ACT CONCERNING REQUESTS FOR RECORDS UNDER THE FREEDOM OF INFORMATION ACT AND APPOINTMENTS TO THE FREEDOM OF INFORMATION COMMISSION.*****SUMMARY:**

This bill lengthens, from two to four years, the term for legislatively appointed members of the Freedom of Information Commission. This conforms their term lengths to those of members the governor appoints. By law, the commission has nine members, five appointed by the governor and one each appointed by the Senate president, House speaker, and the Senate and House minority leaders.

The bill also allows requests for copies of records under the Freedom of Information Act (FOIA) to be made orally, but gives public agencies the discretion to require that they be in writing. In *Planning & Zoning Commission v. Freedom of Information Commission*, 130 Conn. App. 448 (2011), the Connecticut Appellate Court ruled that a FOIA request for a copy of a record must be in writing to be enforceable against a public agency.

EFFECTIVE DATE: July 1, 2012 for the changes to term lengths and October 1, 2012 for the records request provision.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/21/2012)